

# Oroville Facilities Relicensing (Project No. 2100) Settlement Agreement Process Overview



Plenary Group Meeting  
January 27, 2004

# SETTLEMENT AGREEMENT

## What Is It?

The Settlement Agreement (SA) is a mutually acceptable plan for the future that documents:

- The comprehensive agreement between the licensee and the parties
- Expresses the support of the parties to the license application



# SETTLEMENT AGREEMENT

## Purpose:

- The SA will serve as a basis for:
  - Filing a new license application
  - Regulatory approvals enabling issuance of a new license by FERC
- Acknowledgement that new license satisfies any remaining issues/disputes under original license
- Document mutually agreed-to resolution of issues outside of FERC jurisdiction
- Provides mechanisms for implementation of all terms and conditions



# SETTLEMENT AGREEMENT

## Technical Aspects:

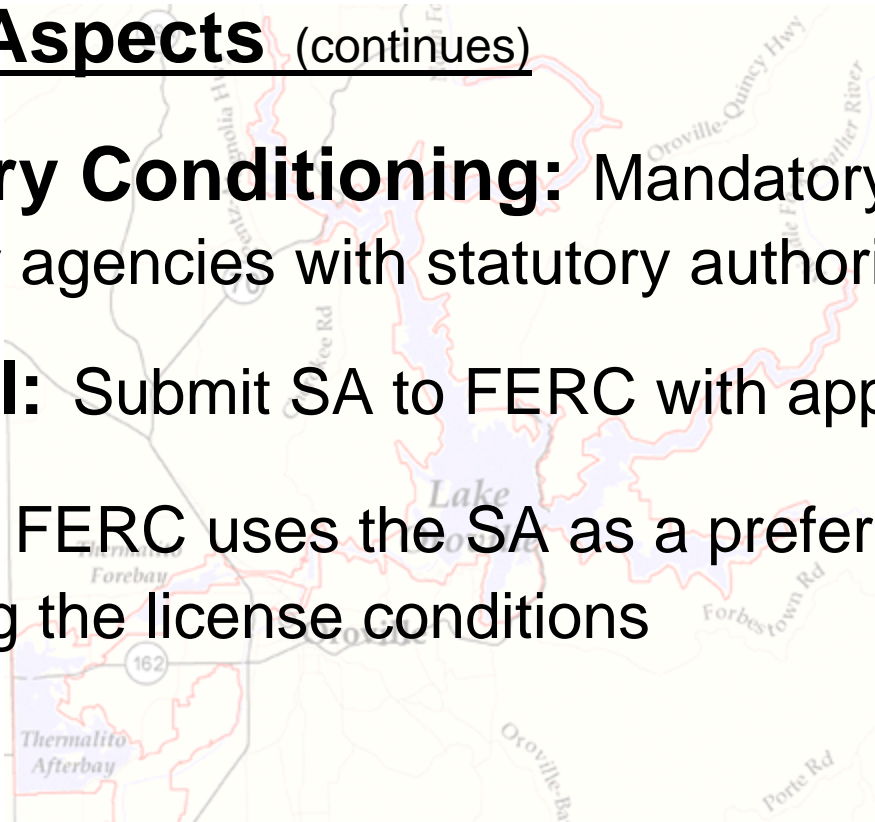
- **Procedural:** Includes background information, definitions, license terms, a schedule, etc.
  - Implementation of Settlement
  - Alternative dispute Resolution Process
  - Cooperation Among Parties
  - etc
- **Appendix A:** Conditions of the Agreement between the licensee and stakeholders on issues under FERC's jurisdiction
- **Appendix B:** Conditions of the agreement not under FERC's jurisdiction



# SETTLEMENT AGREEMENT

## Technical Aspects (continues)

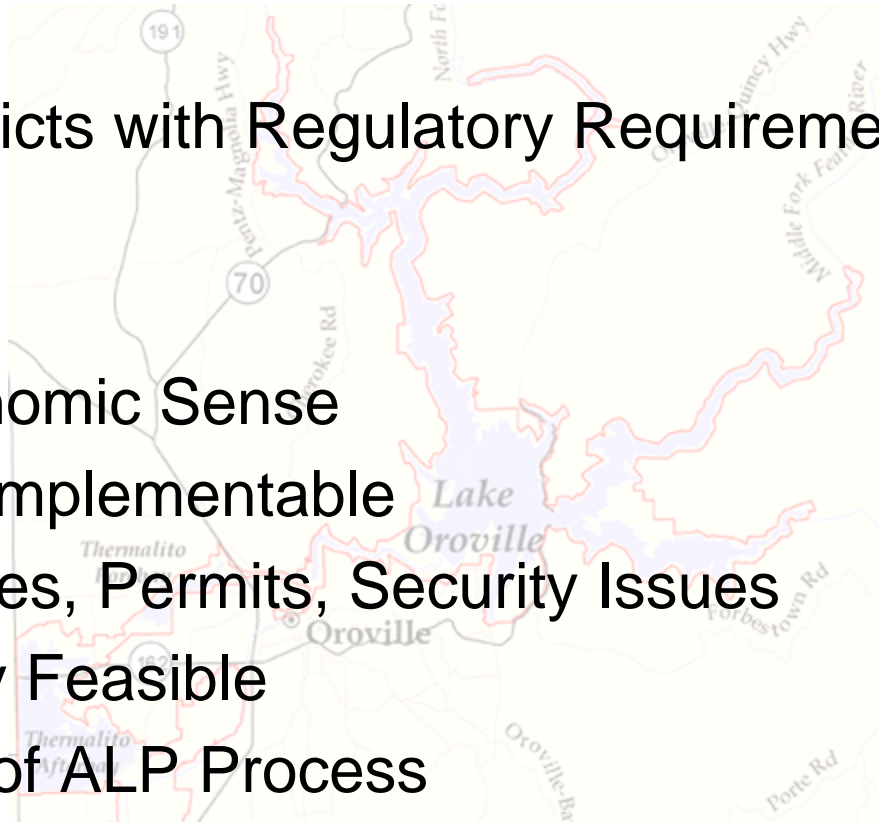
- **Mandatory Conditioning:** Mandatory Conditions required by agencies with statutory authority
- **Submittal:** Submit SA to FERC with application
- **License:** FERC uses the SA as a preferred basis for establishing the license conditions



# SETTLEMENT AGREEMENT

## Attributes:

- Avoid conflicts with Regulatory Requirements
- Durable
- Defensible
- Make Economic Sense
- Workable/Implementable
- Meets Codes, Permits, Security Issues
- Technically Feasible
- The result of ALP Process
- Stakeholder interests known
- Resource action interests identified



# SETTLEMENT AGREEMENT

## Attributes (continues)

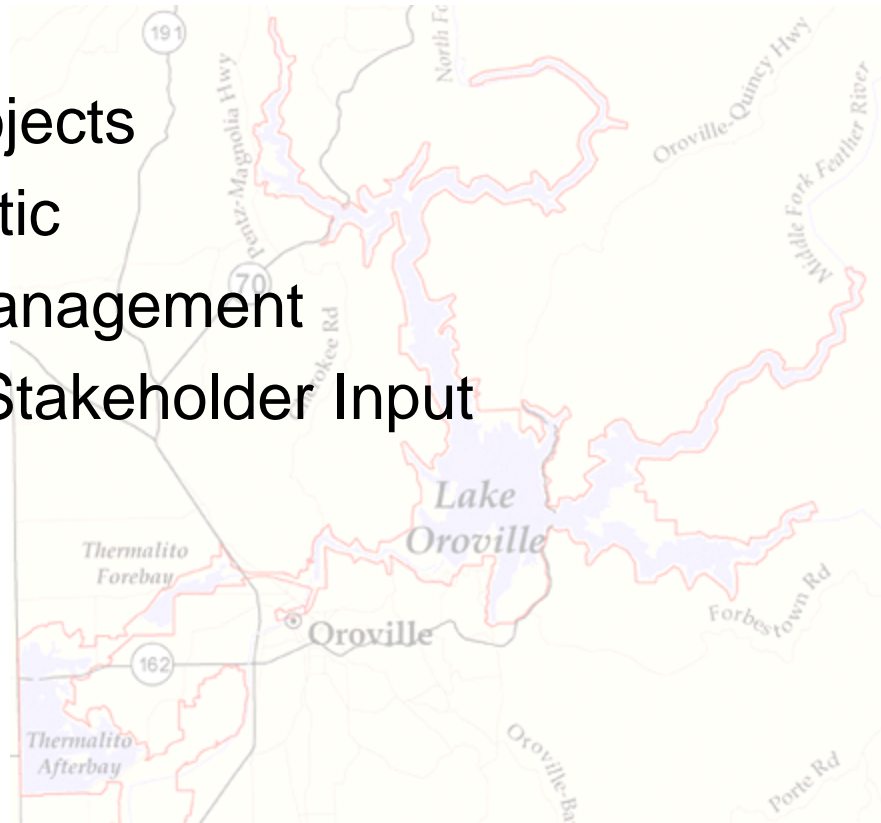
- Partnerships
- Stakeholder negotiators have the authority to negotiate and make conditional decisions
- Active, engaged key stakeholders
  - Mandatory and recommending agencies
  - Tribes
  - Environmental community
  - Local community
  - Other





# POTENTIAL SETTLEMENT APPROACHES

- Specific Projects
- Programmatic
- Adaptive Management
- Continued Stakeholder Input





# SETTLEMENT STRUCTURE

- **Main Settlement Negotiation Group**
  - Establish Settlement Process and Groundrules
  - Address Procedural Issues
  - Negotiate both jurisdictional and non-jurisdictional issues
  - Negotiate Final Package
- **Negotiation Sub-Groups**
  - Environment (with sub-groups as necessary)
  - Recreation
  - Others
- **Tribal/DWR discussions**



# RELATIONSHIP BETWEEN MAIN SETTLEMENT NEGOTIATION GROUP AND PLENARY

- Plenary Group will provide feedback and will receive updates from Main Settlement Negotiation Group
- Decision whether to execute Settlement Agreement is individual
- Settlement discussions are open to those who agree to respect confidentiality
- Plenary Group members are encouraged to participate, preferably maximizing use of representatives
- Plenary Group forms Task Force to provide recommendations for settlement process
- Plenary Group adopts Task Force recommendations
- Plenary Group populates Main Settlement Negotiation Group with authorized participant representatives



# RELATIONSHIP BETWEEN MAIN SETTLEMENT NEGOTIATION GROUP AND WORK-GROUPS

Work Groups will provide technical information and analysis to the Main Settlement Negotiation Group and subgroups as necessary



# SETTLEMENT SCHEDULE

## March 2004

- Kick-off Settlement Negotiations, process and groundrules are established
- Issue-oriented Site Tour

## April 2004

- Kick-off Settlement Negotiations, process and groundrules are established
- Negotiation Training
- Draft Offer of Settlement released

## May –November 2004

- Negotiation of Substantive Settlement Issues

## December 2004

- Settlement signed

## 2005 (As Needed)

- Finalize remaining issues/Settlement revisions

